

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEHU HAND,

Petitioner,

v.

WARDEN OF FCI HERLONG,

Respondent.

Case No. 2:20-cv-02320-JDP (HC)

ORDER REQUIRING RESPONSE TO
PETITION FOR WRIT OF HABEAS
CORPUS, SETTING BRIEFING SCHEDULE,
AND DIRECTING SERVICE OF
DOCUMENTS

ECF No. 1

Petitioner Jehu Hand, a federal prisoner without counsel, petitioned for a writ of habeas corpus under 28 U.S.C. § 2241. ECF No. 1. Under Rule 4 of the Rules Governing Section 2254 Cases, the court must examine the habeas corpus petition and order a response to the petition unless it “plainly appears” that the petitioner is not entitled to relief. It does not plainly appear that petitioner is not entitled to relief. Therefore, I order the government to respond to the petition, set a briefing schedule, and direct service of documents.

It is ORDERED that:

1. Within sixty days of the date of service of this order, respondent must file a response to the petition.
2. A response may be one of the following:
 - A. An answer addressing the merits of the petition. Any argument by

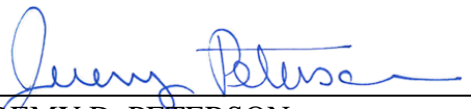
respondent that petitioner has procedurally defaulted a claim must be raised in the answer, which must also address the merits of petitioner's claims.

B. A motion to dismiss the petition.

3. Within sixty days of the date of service of this order, respondent must file all transcripts and other documents necessary for resolving the issues presented in the petition. *See* Rules Governing Section 2254 Cases, Rule 5(c).
4. If respondent files an answer to the petition, petitioner may file a traverse within thirty days of the date of service of respondent's answer. If no traverse is filed within thirty days, the petition and answer are deemed submitted.
5. If respondent moves to dismiss, petitioner must file an opposition or statement of non-opposition within twenty-one days of the date of service of respondent's motion. Any reply to an opposition to the motion to dismiss must be filed within seven days after the opposition is served. The motion to dismiss will be considered submitted twenty-eight days after the service of the motion or when the reply is filed, whichever comes first. *See* Local Rule 230(l).
6. Respondent must complete and return to the court within thirty days a form stating whether respondent consents or declines to consent to the jurisdiction of a United States Magistrate Judge under 28 U.S.C. § 636(c)(1).

IT IS SO ORDERED.

Dated: December 16, 2020


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE